



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

154857

Certified Mail
Return Receipt Requested

MAR 16 1993

Michael J. Gardner, Esq.
Clark & Stant, P.C.
One Columbus Center
Virginia Beach, Virginia 23462

Re: Mariner Hi-Tech Site, Unauthorized Removal of Storage Trailers

Dear Mr. Gardner:

EPA received your telefax on February 21, 1993, regarding the unauthorized removal of storage trailers from the Site. As stated in our February 12, letter to your clients, EPA required a detailed report of how the trailers were sampled, results of the analytical findings, a detailed report of proper decontamination procedures of the trailers and the proper documentation for the transportation and disposal of a hazardous substance under Federal, State and Local regulations. The telefax we received only provided information concerning the names and locations of the purchasers of the trailers. Therefore, pursuant to paragraph 8.10 of the Administrative Order by Consent ("Order"), EPA renews its request for the information made in our February 12, 1993 letter to your clients.

On November 30, 1992 a Removal Action Plan scoping meeting was held at EPA offices in Philadelphia at which yourself, OSC Guarni, Paul Redding from Marcor, Inc. and Robert Laudenbach of EPA's Technical Assistance Team (TAT) were present. In your February 18, 1993 letter, you stated that you informed OSC Robert Guarni at this meeting that several trailers had been sold. It is our understanding from your February 18, 1993 letter that your clients considered this activity to be authorized by EPA as "housekeeping". During the meeting, you informed OSC Guarni that Mr. Fine had already sold two of the storage trailers and had allegedly decontaminated both trailers in an "unspecified manner". The cleanliness of the storage trailers could not be verified at that time. At that time, OSC Guarni recommended that no additional storage trailers be removed from the Site. I am enclosing the Site log notes of this exchange that were taken during this meeting by Mr. Laudenbach. According to the invoice you enclosed with your February 18, 1993 letter, six (6) additional storage trailers were subsequently sold to Parker Enterprises of Chesapeake, Virginia on December 7, 1992. This activity occurred after you were told by OSC Guarni that no additional storage trailers were to be removed from the Site.


AR300032

4

Your February 18, 1993 letter stated that the containers were empty and available for sale. In paragraph 3.6 of the Order, the drum storage area is described as containing the following: each trailer housed five and 10 gallon containers of substances including solvents, benzene derivatives, epoxy resins, and unknown substances. Some of the trailers contained 55-gallon drums. Some containers inside the trailers were observed to be leaking their contents, and leakage from the trailers were also evidenced by surrounding, stained soils. Some of the containers were labeled "Corrosive". Some of the drums stored outside the trailers were marked as containing formaldehyde, paints, sulfuric acid, SAE acids, solvents, copper naphthalene, and fuels. The condition of the site, including the drums and storage trailers were personally observed by OSC Douglas Fox, the Virginia Department of Environmental Services, the Virginia Department of Waste Management and the Norfolk Fire Department.

Again, EPA renews its request for the information made in our February 12, 1993 letter to your clients. Please forward this information to OSC Robert Guarni, no later than March 5, 1993. If you have any questions concerning this, please contact me at (215) 597-3233. Thank you very much.

Sincerely,


Yvette Hamilton-Taylor
Senior Assistant Regional Counsel

Enclosure

cc: Robert Guarni, EPA
Mr. Milton Fine
Mr. Cyrus Bass

AR300033